

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRACEY BROWN,

Defendant.

Case No. 2:11-cr-00334-MMD-GWF

ORDER

This matter is before the Court on Defendant's Motion to Unseal Grand Jury Transcripts (#210), filed on October 14, 2015. The Government's Response (#217) was filed on October 28, 2015.

Defendant moves to unseal the grand jury transcripts under Fed. R. Crim. P. 6(e)(3)(E), which provides that a Court may disclose grand jury transcripts "at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury." Defendant has already been convicted, and acknowledges that he can no longer dismiss the indictment. Instead, he moves to unseal the transcripts to determine if the grand jury was provided with erroneous information. The Government argues that this is unsubstantiated and speculative. The Government argues that Defendant's speculative assertions do not meet the "particularized need" standard, and therefore do not constitute a reason for unsealing the transcripts. *See United States v. Walczak*, 783 F.2d 852, 857 (9th Cir. 1986). Defendant does not offer any particularized need for the evidence to be unsealed beyond a fishing expedition for potential inconsistencies. This does not meet the standard established in *Walczak*. Accordingly,

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1 **IT IS HEREBY ORDERED** that Defendant's Motion to Unseal Grand Jury Transcripts
2 (#210) is **denied**.

3 **DATED** this 13th day of November, 2015.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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